

# House File 580 - Enrolled

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HOUSE FILE 580

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1 3 AN ACT  
1 4 RELATING TO THE ADMINISTRATION OF THE IOWA EGG COUNCIL,  
1 5 INCLUDING BY PROVIDING FOR THE USE, PROMOTION, AND RESEARCH  
1 6 OF EGGS AND EGG PRODUCTS, AND PROVIDING FOR AN ASSESSMENT.  
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1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 10 Section 1. Section 184.1, subsection 4, Code 2005, is  
1 11 amended to read as follows:  
1 12 4. "Eggs" means eggs produced from a layer-type chicken.  
1 13 "Eggs" includes shell eggs or eggs broken for further  
1 14 processing, ~~but does.~~ However, "eggs" does not include  
1 15 ~~fertile any of the following:~~  
1 16 a. Fertile eggs that are incubated, hatched, or used for  
1 17 vaccines.  
1 18 b. Organic eggs which are produced as part of a production  
1 19 operation which is certified by the department pursuant to  
1 20 chapter 190C.  
1 21 Sec. 2. Section 184.3, Code 2005, is amended to read as  
1 22 follows:  
1 23 184.3 ASSESSMENT.  
1 24 1. a. ~~The council shall establish~~ Except as provided in  
1 25 paragraph "b", an assessment amount for of two and one-half  
1 26 cents is imposed on each thirty dozen eggs produced in this  
1 27 state. The assessment shall be imposed on a producer at the  
1 28 time of delivery to a purchaser who shall deduct the  
1 29 assessment from the price paid to a producer at the time of  
1 30 sale. The assessment shall not be refundable. The assessment  
1 31 is due to be paid to the council within thirty days following  
1 32 each calendar quarter, as provided by the council.  
1 33 b. Upon request of the council, the secretary shall call a  
1 34 special referendum for producers to vote on whether to  
1 35 authorize an increase in the assessment to an amount that is  
2 1 more than two and one-half cents imposed on each thirty dozen  
2 2 eggs produced in this state. Notice shall be given and the  
2 3 special referendum shall be conducted in the manner provided  
2 4 in section 184.5. If a majority of the producers voting  
2 5 approves the increase, the council may increase the assessment  
2 6 for the amount approved. However, the assessment shall not  
2 7 exceed fifteen cents imposed on each thirty dozen eggs  
2 8 produced in this state.  
2 9 2. If the producer sells eggs to a purchaser outside the  
2 10 state of Iowa, the producer shall deduct the ~~tax~~ assessment  
2 11 from the amount received from the sale and shall forward the  
2 12 amount deducted to the council within thirty days following  
2 13 each calendar quarter. If the producer and processor are the  
2 14 same person, then that person shall pay the assessment to the  
2 15 council within thirty days following each calendar quarter.  
2 16 3. The council may charge interest on any amount of the  
2 17 assessment that is delinquent. The rate of interest shall not  
2 18 be more than the current rate published in the Iowa  
2 19 administrative bulletin by the department of revenue pursuant  
2 20 to section 421.7. The interest amount shall be computed from  
2 21 the date the assessment is delinquent, unless the council  
2 22 designates a later date. The interest amount shall accrue for  
2 23 each month in which there is delinquency calculated as  
2 24 provided in section 421.7, and counting each fraction of a  
2 25 month as an entire month. The interest amount due shall  
2 26 become a part of the assessment due.  
2 27 Sec. 3. Section 184.9, Code 2005, is amended by striking  
2 28 the section and inserting in lieu thereof the following:  
2 29 184.9 DUTIES OF THE COUNCIL == MARKETING.  
2 30 The council shall develop new and expand existing markets  
2 31 for eggs and egg products, and may provide for any of the  
2 32 following:  
2 33 1. Increasing the utilization of eggs or egg products.  
2 34 2. Increasing the awareness of the health benefits  
3 1 associated with the consumption of eggs or egg products.  
3 2 3. Increasing the awareness of the economic benefits  
3 3 associated with the production and processing of eggs or egg  
3 4 products.  
3 5 Sec. 4. NEW SECTION. 184.9A DUTIES OF THE COUNCIL ==  
3 6 RESEARCH.

3 6 The council shall participate in research programs or  
3 7 projects, including by conducting or financing such programs  
3 8 or projects, relating to any of the following:  
3 9 1. Increasing the utilization of eggs or egg products.  
3 10 2. Improving the production or processing of eggs or egg  
3 11 products.  
3 12 3. Preventing, modifying, or eliminating barriers to trade  
3 13 which obstruct the free flow of eggs or egg products in  
3 14 commerce.

3 15 Sec. 5. NEW SECTION. 184.9B DUTIES OF THE COUNCIL ==  
3 16 EDUCATION.

3 17 The council shall participate in education programs or  
3 18 projects, including by conducting or financing such programs  
3 19 or projects, as follows:

3 20 1. The council's education programs or projects may  
3 21 provide for any of the following:  
3 22 a. The utilization of eggs or egg products.  
3 23 b. The production or processing of eggs or egg products.  
3 24 c. The safe consumption of eggs or egg products.  
3 25 d. The prevention, modification, or elimination of  
3 26 barriers to trade which obstruct the free flow of eggs or egg  
3 27 products in commerce.  
3 28 e. Increasing the awareness of the health benefits  
3 29 associated with the consumption of eggs or egg products.  
3 30 f. Increasing the awareness of the economic benefits  
3 31 associated with the production and processing of eggs or egg  
3 32 products.

3 33 2. The council's education programs or projects may be  
3 34 designed to increase consumers' knowledge of the production or  
3 35 processing of eggs, the preparation of eggs or egg products,  
4 1 or the consumption of eggs or egg products.

4 2 3. As part of the council's education programs or projects  
4 3 it may provide for the dissemination of information of public  
4 4 interest, including but not limited to the development or  
4 5 publication of materials in a printed or electronic format.

4 6 Sec. 6. Section 184.10, unnumbered paragraph 1, Code 2005,  
4 7 is amended to read as follows:

4 8 The council may perform any function ~~related that it deems~~  
4 9 ~~necessary to the production and marketing of eggs or egg~~  
4 10 ~~products carry out its purposes and duties as provided in this~~  
4 11 ~~chapter~~, including but not limited to doing any of the  
4 12 following:

4 13 Sec. 7. Section 184.10, subsection 6, Code 2005, is  
4 14 amended to read as follows:

4 15 6. Become a dues-paying member of an organization carrying  
4 16 out a purpose related to ~~the increased~~ any of the following:

4 17 a. The production or processing of eggs or egg products.

4 18 b. The consumption and or utilization of eggs or egg  
4 19 products.

4 20 Sec. 8. Section 184.10, subsection 7, Code 2005, is  
4 21 amended by striking the subsection and inserting in lieu  
4 22 thereof the following:

4 23 7. Administer elections for members of the council and  
4 24 provide for the appointment of persons to fill vacancies  
4 25 occurring on the council, as provided in section 184.8. The  
4 26 department may assist the council in administering an  
4 27 election, upon request to the secretary by the council.

4 28 Sec. 9. Section 184.14, unnumbered paragraph 2, Code 2005,  
4 29 is amended to read as follows:

4 30 Moneys collected, deposited in the fund, and transferred to  
4 31 the council as provided in this chapter are subject to audit  
4 32 by the auditor of state. The moneys transferred to the  
4 33 council shall be used by the council first for the payment of  
4 34 collection expenses, second for payment of the costs and  
4 35 expenses arising in connection with conducting referendums,  
5 1 and third to perform the functions and carry out the duties of  
5 2 the council as provided in ~~section 184.9~~ this chapter. Moneys  
5 3 remaining after the council is abolished and the imposition of  
5 4 an assessment is terminated pursuant to a referendum conducted  
5 5 pursuant to section 184.5 shall continue to be expended in  
5 6 accordance with this chapter until exhausted.

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CHRISTOPHER C. RANTS  
Speaker of the House

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JOHN P. KIBBIE  
President of the Senate

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5 18 I hereby certify that this bill originated in the House and  
5 19 is known as House File 580, Eighty-first General Assembly.  
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5 23 \_\_\_\_\_  
5 24 MARGARET THOMSON  
5 25 Chief Clerk of the House  
5 26 Approved \_\_\_\_\_, 2005  
5 27  
5 28 \_\_\_\_\_  
5 29 THOMAS J. VILSACK  
5 30 Governor